

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Reproposal of Critical Habitat for One Species of Butterfly

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Reproposal of proposed rule.

SUMMARY: The Service repropose Critical Habitat for the Callippe silverspot butterfly (*Speyeria callippe callippe*). Endangered status and Critical Habitat were originally proposed for this species on July 3, 1978 (43 FR 28938-28945). The Critical Habitat portion of this proposal was withdrawn by the Service on March 6, 1979 (44 FR 12382-12384) because of procedural and substantive changes in prior law made by the Endangered Species Act Amendments of 1978. This proposed rule complies with the changed requirements.

DATES: Comments from the public must be received by May 28, 1980. [Comments from the Governor of California must be received by June 28, 1980.] A public meeting on this proposal will be held on April 17, 1980.

ADDRESSES: Interested persons or organizations are requested to submit comments to Director (OES), U.S. Fish and Wildlife Service, Washington, D.C., 20240. Comments and materials relating to this rulemaking are available for public inspection during normal business hours at the Service's Office of Endangered Species, Suite 500, 1000 North Glebe Road, Arlington, Virginia 22201. The time and place of the public meeting on this proposal are presented in the table below.

FOR FURTHER INFORMATION CONTACT: For further information of this proposal, contact Mr. John L. Spinks, Jr., Chief, Office of Endangered Species (703/235-2771).

SUPPLEMENTARY INFORMATION:**Background**

The Callippe silverspot butterfly was proposed as Endangered with Critical Habitat on July 3, 1978. Before final action could be taken on this proposal, Congress passed the Endangered Species Act Amendments of 1978 which changed the procedures the Service must follow when designating Critical Habitat. The present rulemaking will comply with the amendments.

The Callippe silverspot butterfly formerly occurred in San Francisco and San Mateo Counties, California. It is now believed that the colonies of silverspot butterflies from Vallejo, Napa County and Oakland, Alameda County, California, do not represent the Callippe silverspot butterfly but are intermediate populations between *Speyeria callippe callippe* and *Speyeria callippe comstocki*. The only true remaining populations of the Callippe silverspot butterfly are found in grasslands in the eastern portions of the San Bruno Mountains area. The San Francisco population has been extirpated because of urban development.

Since the July 3, 1978 proposal of the butterfly as Endangered, a report by Richard A. Arnold of the Entomology Department of the University of California at Berkeley has provided additional information indicating that the area previously proposed as Critical Habitat should be supplemented to include grasslands on the extreme eastern portions of the main ridge of San Bruno Mountain. No information has been received that would warrant a change in the previously proposed status of this subspecies.

Summary of Factors Affecting the Species. The Callippe silverspot butterfly is now known to occur only on the eastern portions of San Bruno Mountain, San Mateo County, California. The butterfly formerly occurred on Twin Peaks, San Francisco County, California, an area from which it has been extirpated due to urban development.

The major threats to the remaining Callippe silverspot butterfly populations derive from projected housing development and increased recreational activities. The areas inhabited by the butterfly include San Mateo County parklands which will eventually be developed for recreational purposes, and private lands which are the projected sites of housing developments. Examples of activities which could adversely affect the butterfly include:

(1) Direct loss of habitat by clearing and leveling land for buildings, roads, and trails;

(2) A change in fire management practices, including prevention of fires which may be necessary to maintain the grassland habitat; and

(3) Human disturbance, including collection of butterflies and trampling of habitat areas associated with increased human residence on San Bruno Mountain and with increased recreational use of the parkland areas by visitors.

Comments on Critical Habitat

An extensive study done by Richard A. Arnold of the Department of Entomology of the University of California for the Department of Fish and Game of the State of California (Status of Proposed Threatened or Endangered California Lepidoptera, Interim Report on Contract #5-1620) has yielded additional information on the distribution and status of the Callippe silverspot butterfly. The Service believes this new information warrants modification of the Critical Habitat as originally published in the Federal Register of July 3, 1978 (43 FR 28938-28945). Since the Oakland populations of silverspot butterfly are no longer believed to represent the Callippe silverspot, the Oakland Zone is being deleted from the Critical Habitat proposal. Critical Habitat is hereby repropose as follows:

California, San Mateo County

(1) Guadalupe Valley Zone. An area bounded on the north and east by the Guadalupe Canyon Parkway, on the south by North Hill Drive, the railroad tracks, and West Hill Drive, and on the west by the dirt road extending from West Hill Drive to the Guadalupe Canyon Parkway.

(2) San Bruno Mountain Zone. An area bounded on the west by a line extending from the fork in the quarry access road to the junction of Kearney Street and Hillside Boulevard, on the south by Hillside Boulevard, Randolph Avenue, and the South San Francisco city limit, on the east by the Bayshore Highway, and on the north by the quarry access road, the three-pole powerline to its intersection with the 900 foot contour, then by a line from this intersection east to the Bayshore Highway.

A detailed summary of comments responding to both the original proposal for listing this species, as well as this reproposal of Critical Habitat, will appear at the time of final rulemaking.

Critical Habitat

The Act defines "critical habitat" as (i) the specific areas within the geographical area occupied by the

species at the time it is listed in accordance with the provisions of Section 4 of this Act, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protection; and (ii) specific areas outside the geographic area occupied by the species at the time it is listed in accordance with the provisions of Section 4 of this Act, upon a determination by the Secretary that such areas are essential for the conservation of the species.

The Service believes that certain areas within the range occupied by the Callippe silverspot butterfly should be designated as Critical Habitat. This butterfly occupies an extremely limited range and is susceptible to change in its grassland habitat. Because changes in the areas occupied by the species could result in its extinction, designation of Critical Habitat is essential for this butterfly's conservation.

Section 4(b)(4) of the Act requires the Service to consider economic and other impacts of specifying a particular area as Critical Habitat. The Service has prepared a draft impact analysis and believes at this time that economic and other impacts of this action are not significant in the foreseeable future. The Service is notifying Federal agencies that may have jurisdiction over the land and water under consideration in this proposed action. These Federal agencies and other interested persons or organizations are requested to submit information on economic or other impacts of this proposed action (see below).

The Service will prepare a final impact analysis prior to the time of final rulemaking, and will use this document as the basis for its decision as to whether or not to exclude any area from Critical Habitat for the Callippe silverspot butterfly.

Effects of This Proposal if Published as a Final Rule

Section 4(f)(4) of the Act requires, that any proposal to determine Critical Habitat be accompanied, to the maximum extent practicable, by a brief description and evaluation of those activities which, in the opinion of the Secretary, may adversely modify such habitat if undertaken, or may be impacted by such designation. Such activities are identified below for these species. It should be emphasized that Critical Habitat designation may not affect each of the activities listed below, as Critical Habitat designation only affects Federal agency activities, through Section 7 of the Act.

1. With regard to the Callippe silverspot butterfly, a major threat to the continued existence of this species is urban housing development in the grasslands where it occurs. Major housing developments are planned in both of the Zones proposed as Critical Habitat. Clearing and leveling land for buildings and roads would directly eliminate some portions of the butterfly's habitat. Urban development has already extirpated the butterfly in the Twin Peaks area of San Francisco.

2. Development of trails, interpretive centers, and other visitor facilities in the county-owned portions of San Bruno Mountain could also directly eliminate areas of the butterfly's habitat. Future plans intend that these areas be developed as a county park.

3. Changes in fire management would undoubtedly take place with increased human residence and recreational use. Periodic fires are probably necessary to maintain the grassland community structure on which the Callippe silverspot butterfly depends.

4. Other adverse effects on the butterfly's continued existence and related to increased human residence and visitation, could include trampling of habitat, increased collecting of the butterfly, and increased disturbance from off-road vehicle activities.

The Service has investigated the above activities, and was unable to discern definite federal involvements. The Service's draft economic analysis therefore indicated that there would be no adverse economic impact from Critical Habitat designation, as such designation only affects federal actions. The Service will consider all information received during the comment period concerning adverse economic, or other, impacts.

Public Comments Solicited

The Director intends that the rules finally adopted be as accurate and effective as possible in the conservation of the Callippe silverspot butterfly. Therefore, any comments or suggestions from the public, concerned governmental agencies, the scientific community, industry, private interests or any other interested party concerning any aspect of this proposed rule are solicited. The Service particularly requests comments on the following:

1. Biological and other relevant data concerning any threat (or lack thereof) to this species;

2. Additional information concerning the range and the distribution of the species;

3. Current or planned activities in the subject areas;

4. The probable impacts on such activities if the area is designated as Critical Habitat; and

5. The foreseeable economic and other impacts of the Critical Habitat designation.

Public Meetings

The Service hereby announces that a public meeting and a public hearing will be held on this proposed rule. The public is invited to attend these meetings and to present opinions and information on the proposal.

Specific information relating to the public meetings and hearing are set out below:

Public Meeting

Place: Plaza Airport Inn, 401 East Millbrae Avenue, Millbrae, California
Date: April 17, 1980
Time: 7:30-10 P.M.
Subject: Callippe silverspot butterfly

Public Hearing

Place: Plaza Airport Inn, 401 East Millbrae Avenue, Millbrae, California
Date: May 1, 1980
Time: 7:30-10 P.M.
Subject: Callippe silverspot butterfly

National Environmental Policy Act

A draft environmental assessment has been prepared and is on file in the Service's Washington Office of Endangered Species. The assessment will be the basis for a decision as to whether this determination is a major Federal action which would significantly affect the quality of the human environment within the meaning of Section 102(2)(C) of the National Environmental Policy Act of 1969.

The primary author of this rule is Dr. Michael M. Bentzien, Office of Endangered Species, U.S. Fish and Wildlife Service, Washington, D.C. 20240 (702/235-1975).

Note.—The Department of the Interior has determined that this is not a significant rule and does not require preparation of a regulatory analysis under Executive Act 12044 and 43 CFR Part 14.

Regulation Promulgation

Accordingly, it is hereby proposed to amend Part 17, Subchapter B of Chapter 1, Title 50 of the Code of Federal Regulations, as set forth below:

§ 17.95 [Amended]

1. It is proposed that 17.95(i), Insecta, be amended by adding Critical Habitat of the Callippe silverspot butterfly as follows:

Callippe Silverspot Butterfly

(*Speyeria callippe callippe*)

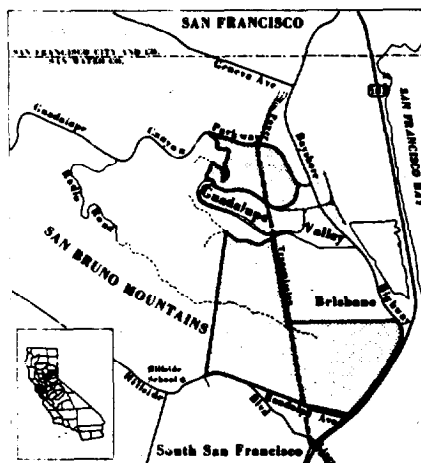
California. San Mateo County

(1) Guadalupe Valley Zone. An area bounded on the north and east by the Guadalupe Canyon Parkway, on the south by North Hill Drive, the railroad tracks, and West Hill Drive, and on the west by the dirt road extending from West Hill Drive to the Guadalupe Canyon Parkway.

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Callippe Silverspot Butterfly

(Guadalupe Valley and San Bruno Mountain Zones)
San Mateo, Calif.



Dated: March 21, 1980.

Lynn A. Greenwalt,
Director, Fish and Wildlife Service.

[FR Doc. 80-9509 Filed 3-27-80; 8:45 am]

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